



CONSTRUCTION IN REGULATORY FLOODPLAIN, PROCEDURE FOR OBTAINING A FLOODPLAIN DEVELOPMENT PERMIT

INFORMATION BULLETIN NO. 120

June 15, 1987 (Revised, July 7, 2015)

City Planning & Development Department – Development Services Group (CPD-DS)
City of Kansas City, Missouri

<http://www.kcmo.org/codes/>

FLOODPLAIN DEVELOPMENT PERMIT REQUIRED:

Chapter 28, Floodplain Management, Code of Ordinances, requires a floodplain development permit for certain projects within any area designated as a regulatory floodplain by the official floodplain document, as follows:

Alterations-any changes in the contours of the land, either by excavation or fill, in excess of one foot.

Encroachments-any walled or roofed structures or buildings.

Substantial improvements-any reconstruction, rehabilitation, addition or other improvement of encroachments, the cost of which equals or exceeds 50 percent of the market value of the encroachment before the start of construction of the improvement, and includes structures which have incurred substantial damage, regardless of the actual repair work performed.

In calculations of substantial improvement, the value of improvements or repairs made after the adoption of this chapter, October 26, 1978, shall be include in the value of the proposed improvement or repair. When the combined total of all previous improvements or repairs made after the adoption of this chapter equals or exceed 50% of the market value of the encroachment prior to the adoption of this chapter, the proposed improvement or repairs shall be considered to be a substantial improvement.

APPLICATION FOR FLOODPLAIN DEVELOPMENT PERMIT:

A floodplain development permit application shall be filed with the City Planning and Development Department at the following location:

City Planning and Development Department/
Development Services
Plans Management Branch
attn: Plans Management Branch Supervisor
414 E. 12th St., 5th Floor
Kansas City, Missouri 64106
Telephone 816-513-1500 FAX 816-513-1484

The floodplain development permit application may be filed with the application for building permit or separately prior to application for building permit.

The floodplain development permit application shall include the following information:

1. Completed Floodplain Development Permit Application form.(attached)
2. Applicable filing fee:
 - a) One- and two-family dwelling floodplain certificate.....\$50.00
 - b) Other than one- and two-family dwelling floodplain certificates.....\$103.00
3. Three (3) complete sets of plans, sealed by a Missouri registered engineer, architect or land surveyor, indicating the following:
 - a) That there is no increase in the regulatory flood level in the occurrence of a regulatory flood within the particular regulatory floodway.
 - b) That any encroachment or substantial improvement for a residential structure has the lowest floor, including basement, elevated to at least one foot above the level identified in the official floodplain document as "base flood elevation."
 - c) That any encroachment or substantial improvement for a nonresidential structure has the lowest floor, including basement, elevated to at least one foot above the highest level identified in the official floodplain document as "base flood elevation," or is floodproofed in accordance to Chapter 18, Kansas City Building & Rehabilitation Code (KCBRC), Code of Ordinances.
 - d) That any encroachment or substantial improvement for a residential structure has the lowest floor, including basement, elevated above the highest adjacent grade at least one foot above the depth number specified in the official floodplain document, part II, for areas of 100-year shallow flooding where depths are between one and three feet but base flood elevations are not shown.
 - e) That any encroachment or substantial improvement for a nonresidential structure has the lowest floor, including basement, elevated above the highest adjacent grade at least one foot above the depth number specified in the official floodplain document, part II, for areas of 100-year shallow flooding where depths are between one and three feet but base flood elevations are not shown, or is floodproofed to that elevation in accordance with Chapter 18, KCBRC, Code of Ordinances.
 - f) Those adequate drainage paths around any encroachment or substantial improvement on slopes are provided to guide floodwaters around and away from any encroachment or substantial improvement.
 - g) The existing and proposed contours of the land and the elevation of the lowest floor level of proposed buildings, including the location of the floodplain boundary and the boundary of the floodway, if applicable, and the elevation of the regulatory flood level. All elevations shall be based on Kansas City Datum.
 - h) The location and elevation of the City Bench Mark in the area, this information may be obtained from the City Surveyor.
 - i) All existing and proposed structures on the property.
 - j) Verification that all utilities, heating, ventilating and air-conditioning equipment will be protected from flood damage by elevation or other approved methods.
4. In those instances in which a permit is sought to repair, replace, restore, reconstruct or rehabilitate an alteration, encroachment or substantial improvement, evidence must be produced by the applicant as to the market value of the alteration, encroachment or substantial improvement prior to

the date of the event which precipitated such application and the total cost of the proposed repairs or improvements.

5. Evidence that any permits required by section 10 of the Rivers and Harbors Act of 1899 and/or section 404 of the Clean Water Act have been obtained from the Kansas City District, Corps of Engineers office.
6. Evidence that approval of the appropriate levee district has been obtained, as applicable.
7. Storm water runoff calculations and a siltation and erosion control plan, prepared according to the standards of the Public Works Department.

SPECIAL EXCEPTIONS TO FLOODPROOFING AND ELEVATING REQUIREMENTS:

The Building and Fire Codes Board of Appeals is authorized to grant special exceptions to the requirements of floodproofing and elevating provided that it is demonstrated that:

- 1) There is good and sufficient cause to grant the exception commensurate with the degree and nature of the exception requested, and
- 2) The grant of special exception shall not increase the regulatory flood level and shall not cause additional threats to public safety.

Upon consideration of the factors set forth above, the Board may attach such conditions to the granting of the special exception as it deems necessary.

Contact D'Ann Clemmons, Accountant II, 513-1463, for information on filing an application for hearing for a request for special exception to the requirements of the floodplain ordinance.

ISSUANCE OF FLOODPLAIN DEVELOPMENT PERMIT:

A floodplain development permit will be issued by the City Planning and Development Department/Development Services upon approval of the submitted floodplain development permit application form and plans and payment of applicable fees. One set of the approved plans will be returned to the applicant stamped approved for construction. The applicant may begin construction after obtaining a building permit for the work to be done.

SUBMISSION OF AS-CONSTRUCTED PLANS:

Upon completion of the work authorized by the floodplain development permit and building permit, an as-constructed plan and a completed Elevation Certificate and/or Floodproofing Certificate, prepared and sealed by a Missouri registered engineer, architect or land surveyor, shall be submitted to the City Planning and Development Department/Development Services for approval. If the as-constructed plan is in conformance with the approved plan, the plan will be approved as-constructed and an Elevation Certificate and/or Floodproofing Certificate will be provided to the applicant. If the as-constructed plan is not in conformance with the approved plan, the applicant shall be given written notice of the deficiencies. Such deficiencies shall be corrected within 30 days.

FLOODPLAIN DEVELOPMENT PERMIT/APPLICATION

Application No. _____ Date: _____

TO THE ADMINISTRATOR: The undersigned hereby makes application for a permit to develop in a floodplain. The work to be performed, including flood protection works, is as described below and in attachments hereto. The undersigned agrees that all such work shall be in accordance with the requirements of the Floodplain Management Ordinance and with all other applicable county/city ordinances, federal programs, and the laws and regulations of the State of Missouri.

| | | | |
|----------------------|------------|---------------|------------|
| Owner or Agent _____ | Date _____ | Builder _____ | Date _____ |
| Address _____ | | Address _____ | |
| Phone _____ | | Phone _____ | |

SITE DATA

1. Location: _____ 1/4; _____ 1/4; Section _____; Township _____; Range _____
Street Address _____
2. Type of Development: Filling _____ Grading _____ Excavation _____ Minimum Improvement _____
Routine Maintenance _____ Substantial Improvement _____ New Construction _____ Other _____
3. Description of Development: _____

4. Premises: Structure Size _____ ft. By _____ ft. Area of Site _____ Sq Ft
Principal Use _____ Accessory Uses (storage, parking, etc.) _____
5. Value of Improvement (fair market) \$ _____ Pre-Improvement/Assessed Value of Structure \$ _____
6. Property Located in a Designated FLOODWAY? Yes _____ No _____

IF ANSWERED YES, CERTIFICATION MUST BE PROVIDED PRIOR TO THE ISSUANCE OF A PERMIT TO DEVELOP, THAT THE PROPOSED DEVELOPMENT WILL RESULT IN NO INCREASE IN THE BASE (100-YEAR) FLOOD ELEVATIONS.

7. Property Located in a Designated Floodplain FRINGE? Yes _____ No _____
8. Elevation of the 100-Year Flood (ID source) _____ NGVD/NAVD
9. Elevation of the Proposed Development Site _____ NGVD/NAVD
10. Local Ordinance Elevation/Floodproofing Requirement _____ NGVD/NAVD
11. Other Floodplain Elevation Information (ID and describe source) _____
12. Other Permits Required?

| | | | |
|---|-----------|----------|----------------|
| Corps of Engineer 404 Permit: | Yes _____ | No _____ | Provided _____ |
| State Department of Natural Resources 401 Permit: | Yes _____ | No _____ | Provided _____ |
| Environmental Protection Agency NPDES Permit: | Yes _____ | No _____ | Provided _____ |

All Provisions of Ordinance Number _____, the "Floodplain Management Ordinance", shall be in Compliance.

PERMIT APPROVAL/DENIAL

Plans and Specifications Approved/Denied this _____ Day of _____, 20____

| | |
|------------------------------------|----------------------------|
| Signature of Developer/Owner _____ | Authorizing Official _____ |
| Print Name and Title _____ | Print Name and Title _____ |

THIS PERMIT IS ISSUED WITH THE CONDITION THAT THE LOWEST FLOOR (INCLUDING BASEMENT FLOOR) OF ANY NEW OR SUBSTANTIALLY IMPROVED RESIDENTIAL BUILDING WILL BE ELEVATED _____ FOOT/FEET ABOVE THE BASE FLOOD ELEVATION. IF THE PROPOSED DEVELOPMENT IS A NON-RESIDENTIAL BUILDING, THIS PERMIT IS ISSUED WITH THE CONDITION THAT THE LOWEST FLOOR (INCLUDING BASEMENT) OF A NEW OR SUBSTANTIALLY IMPROVED NON-RESIDENTIAL BUILDING WILL BE ELEVATED OR FLOODPROOFED _____ FOOT/FEET ABOVE THE BASE FLOOD ELEVATION.

THIS PERMIT IS USED WITH THE CONDITON THAT THE DEVELOPER/OWNER WILL PROVIDE CERTIFICATION BY A REGISTERED ENGINEER, ARCHITECT, OR LAND SURVEYOR OF THE "AS-BUILT" LOWEST FLOOR (INCLUDING BASEMENT) ELEVATION OF ANY NEW OR SUBSTANTIALLY IMPROVED BUILDING COVERED BY THIS PERMIT.